



## LAKE COUNTY PLANNING DEPARTMENT

106 FOURTH AVENUE EAST

POLSON, MT 59860-2175

PH: 406-883-7235 FAX: 406-883-7205

E-MAIL: [planning@lakemt.gov](mailto:planning@lakemt.gov)

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Date: September 9, 2011

To: Members of the Lake County Planning Board

From: Joel Nelson, Lake County Planning Director

Re: September 14 Public Meeting to initiate Lake County's updates of the Lake Mary Ronan Zoning District and Regulations.

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On September 14, 2011 at 7:00 p.m., the Lake County Planning Board and Lake County Planning Department staff will conduct a public meeting as part of the process to begin upcoming Lake County-initiated corrections, updates, amendments, and revisions to the Lake Mary Ronan Zoning District and Regulations and potentially the surrounding development density designations on the Lake County Density Map. This will be a public work session to review the existing regulations and obtain comment related to upcoming amendments and the process.

It recently came to Lake County's attention that there are discrepancies with area zoning designations as per the adopted Lake Mary Ronan Zoning District Regulations, the associated zoning map, versions of the Lake Mary Ronan Zoning District Regulations documents that have been distributed over the past  $\pm 10$  years, and the Lake County Density Map zoning designations. In addition, Lake County is past due with the scheduled county-initiated updates to the Lake Mary Ronan Zoning District and Regulations.

This Planning Board meeting is intended to allow for a public forum for the Lake County Planning Department staff and the Planning Board to collect input related to the upcoming county-initiated process to correct the applicable zoning map discrepancies and to update the district boundaries and regulations.

The upcoming process will follow the statutory procedures for adoption of county zoning regulations and boundaries (*See* MCA 76-2-205). It is Lake County's goal to accomplish the updates as soon as possible.

### **Brief History:**

The Planning Department has scheduled this meeting with the Planning Board as a response to the following events:

1. On March 30, 2011, Mike and Marlo Maddy with local agent Dave DeGrandpre of Land Solutions, submitted an Application for a Zone Change/Amendment (a.k.a. "Maddy application") to the Lake County Planning Department. The applicants are owners of the

majority of the land within the Lake Mary Ronan Zoning District. At the time Mr. DeGrandpre delivered the application to the Planning Department, he handed the planning staff a “Draft” document dated 3/29/11 (stamped received MAR 30 2011). It was explained to the Planning Director Joel Nelson at that time by Mr. DeGrandpre that this document was not part of the Maddy application, rather an attempt to give the Planning Department a document to work with to initiate the past due county-initiated updates and the Maddy’s proposed updates.

2. On April 6, 2011, Land Solutions submitted a request on behalf of the Maddy’s to annex additional property (±80-acres) into the zoning district.
3. Following these submittals and cursory reviews of the documents submitted on March 30 and April 6, Joel Nelson explained to Dave DeGrandpre that the Planning Department felt it would be inappropriate and not possible for the Planning Department to attempt to work with the “Draft” document submitted by Mr. DeGrandpre to initiate the county updates and review the Maddy application simultaneously, and only the Maddy application would be reviewed at that time.
4. The Planning Department then scheduled the Planning Board’s review of the Maddy application for the June 8, 2011 regular meeting of the Lake County Planning Board. Legal notices were published and posted by the Planning Department in accordance with state law (notice of the public hearing must be posted in the district at least 45 days prior to the hearing, among other requirements).
5. Joel Nelson then began the staff review of the Maddy application. During this review, the following issues were determined:
  - a. The Lake Mary Ronan Zoning District regulations being distributed by the Planning Department was an erroneous document. The document was a modified version of the 1997 county-adopted regulations. Within the document, legal descriptions were modified, language was edited, and a digitized map was included that reflected similar zoning boundaries that had attempted to be portrayed by the map attached to the adopted version of the zoning regulations. Staff has not been able to determine a precise date or year that the erroneous documents began being distributed, but the properties of the electronic Microsoft Word documents indicate there were at least two erroneous versions potentially distributed, which were last modified between 2001 and 2003.
  - b. Although the adopted map’s cartographic quality fails to clearly represent the zoning district’s boundaries in a definite manner, the apparently hand-drawn bold lines appear to be the intended boundaries. These boundaries do not exactly represent the district boundary as described in Section II of the adopted regulations. The digitized map attached to the erroneous, widely distributed document is consistent with the adopted map, as is the Density Map.
  - c. After the above-noted discrepancies were discovered, Joel Nelson spoke with Mr. DeGrandpre and Mr. Maddy about them. It was the position of the Planning Department that any attempt to amend the zoning district boundaries or regulations without addressing the necessary corrections would be problematic because the district boundaries were not clearly defined by the regulations and

maps. For instance, the Planning Department questioned who could protest amendments to the regulations. It was determined by Lake County the initial steps would be to cancel the June Planning Board meeting on the Maddy application, cease the distribution of the erroneous regulations, and initiate the update and correction process, with hopes that it could begin during summer of 2011. Due to staff turnover and other logistical issues, staff has been unable to direct attention to the matter until now.

- d. Because of limited opportunities for public meetings at public buildings in the Lake Mary Ronan area, staff scheduled a public meeting for September at the regular monthly meeting of the Planning Board.

**Attachments:**

The following items are attached to this memo:

- Lake County Resolution No. 97-23 with the attached Exhibit 'A', being the regulations for the Lake Mary Ronan Planning and Zoning District, dated June 20, 1997. A map is included at the end of the document.
- A small version of the Lake County Density Map.
- A snapshot map of the Lake County Density Map in the vicinity of Lake Mary Ronan.
- The Lake County Density Regulations.
- The Maddy application and related material.
- Public Comment submitted in response to the Maddy application.
- An email from Jim and Ann Grant to Joel Nelson dated June 30, 2011, which includes information provided by the Grants regarding their communication with previous Planning Director Sue Shannon about initiating zoning updates.
- Public Comment submitted since the notices for the September 14 public meeting.

**Specific district boundary discrepancies:**

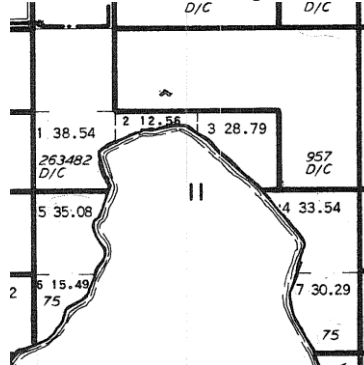
There has been interest in the geographical areas of the zoning district that are in question. The following areas are the areas that staff has found to be in question (all in reference to Township 25 North, Range 22 West, P.M.M., Lake County, Montana):

- Section 11: The text in the adopted Lake Mary Ronan Zoning District regulations states Government Lot 4 is in the district. The adopted map roughly depicts Government Lot 4 in the district. However, the maps produced since the adopted map (including the map with the distributed erroneous regulations, the Density Map, and other maps generated using the digitized GIS shapefile produced by Lake County) represent a small portion of Government Lot 4 as not being in the district. This appears to be the result of Lake County changing the zoning boundaries on the zoning shapefile to align with a property boundary line adjustment that occurred in 1997 shortly after Lake County's adoption of the zoning. The following maps are intended to represent the Section 11 discrepancy:

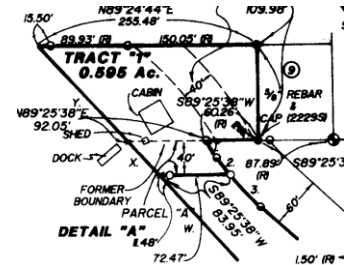
Section 11 per the adopted map:



Section 11 on a GLO<sup>1</sup> plat:



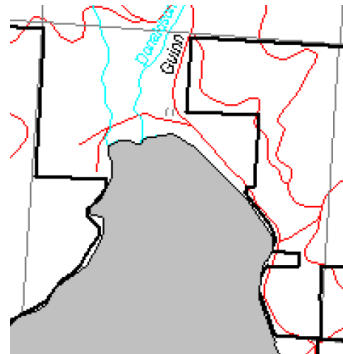
The 1997 BLA:



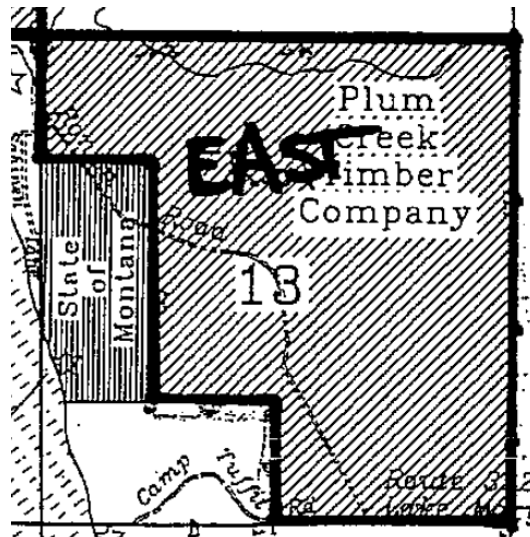
Section 11 per Density Map:



Section 11 per digitally-derived zoning map



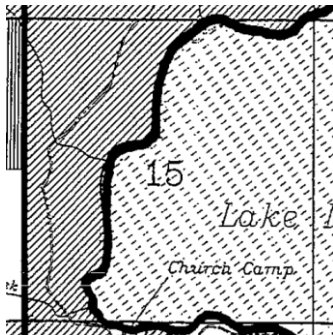
- Section 13: The text in the adopted regulations states the following land is within the district: Section 13. NE ¼, E ½ NW ¼, NW ¼ SW ¼, And SE ¼ . However, the adopted map indicates the following should also be included: NW ¼ NW ¼ and NE ¼ SW ¼. The map also indicates the NW ¼ SW ¼ is not in the district, although it is in the Section 13 description. All following snapshot of Section 13 of the adopted map and subsequent maps have represented the discrepancy:



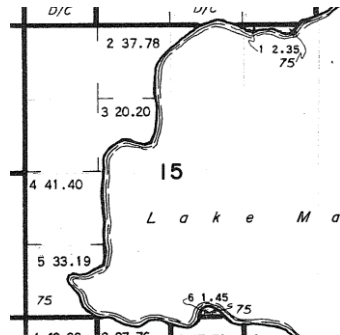
<sup>1</sup> GLO is General Land Office. The Government Lots are labeled by single-digit numbers, with acreages noted.

- Section 15: The text in the adopted regulations does not indicate Government Lot 6 is within the district, however it is represented on the relevant maps as being within the district. The following map snapshots represent Section 15:

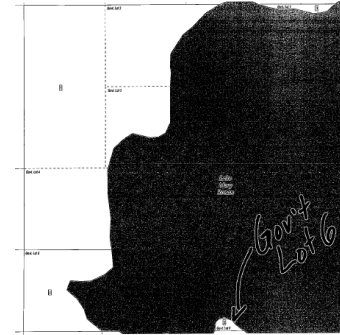
The adopted zoning map:



The GLO plat:

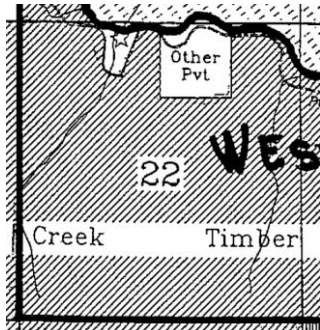


Section map of Section 15:

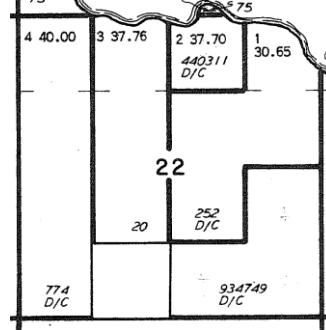


- Section 22: The text in the adopted regulations indicates the zoning district boundaries encompasses all of Section 22, except Government Lot 2 and Tract-2 on COS 5099. However, the adopted zoning map includes these areas within the hand drawn bolded area, but the unclear map labeling could be interpreted to exclude these two parcels as the text suggests. Typically, staff would default to the adopted zoning text for a legal description as taking precedence over a map. Since the Density Map attempted to exclude the zoning district boundaries from any density designation, it is unclear what the zoning is on those two parcels. Due to the underlying color, they likely default to a 20 acres per unit Development Density Region on the Density Map. The following map snapshots depict the issue in Section 22.

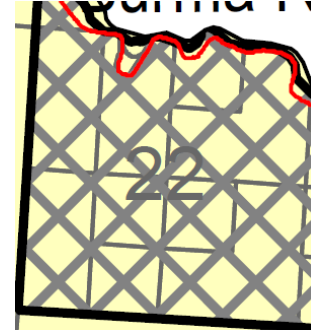
The adopted zoning map:



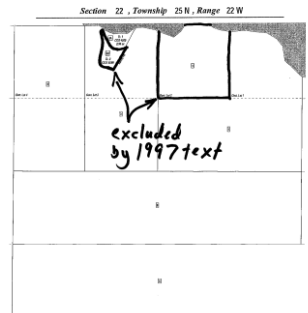
The GLO plat:



Section 22 per Density Map:



Section 22 with staff notes:



**Notices:**

For informational purposes, the Planning Board should note that legal notice of the September 14, 2011 public meeting was published in the August 25, 2011 issue of the Lake County Leader. Community notices were requested for the September 7 & 14 editions of the West Shore News and the September 1 edition of the Lake County Leader. Notice was posted on the Lake County website on August 24, 2011. In addition, on August 26, 2011, notice was mailed to parties who have expressed interest and all record landowners in and adjacent to the following sections in Township 25 North, Range 22 West, P.M.M., Lake County, Montana:

- Section 10
- Section 11
- Section 12
- Section 13
- Section 14
- Section 15
- Section 22
- Section 23
- Section 24